

FEBRUARY 24, 1972

The City Council of the City of Idaho Falls met in a recessed regular meeting, Thursday, February 24, 1972, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen; Councilmen Jack Wood, Gilbert Karst, Paul Hovey, Norris Gesas, Jim Freeman, Melvin Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Don Lloyd, Public Works Director; Les Corcoran, Fire Chief; Robert Pollock, Police Chief; Ernie Craner, Parks & Recreation Director.

Minutes of the last recessed, regular meeting, held February 10th, 1972, were read and approved.

License applications for grocery, Mrs. Moylen Young for Pleasant Valley Drive In, Swiss Colony at the Country Club Center, Safeway Stores, Inc. at the Country Club Shopping Center; RESTAURANT, L.D.S. Hospital, Gary L. Paxman for Paxman's Drive-In, Robert Schwarze for Valley Vending, Inc., J.H. Galloway for Big G. Drive Inn, Shirley Ueda for Rock's Village Café, Reila LeBaron for LeBaron's Coffee Shop, William B. England for Britts, Joe Liu Wing You for the Paris Café, Smitty's Pancake House, Arctic Circle, (3), Royal Fork Buffet Restaurant, Don Wilson Drug, Jack Carey for Payless Drug, Diane Clayton for Jolly Rogers Buffet, Doug's Dairyland, Newell Walker for Arthur Treacher's Fish & Chips, Dale Plesner for Don Wilson's Skyline Drug, J.B. Millard for Millard's Do-Nut Shop, Evan Cropper for North Highway Café; DAIRY, Owen B. Wallace for Wallace Dairy, Larry L. Reed for Reed Brothers' Dairy; ELECTRICAL CONTRACTOR, Ray Griffith with Griffith Electric, Albert Dale Nyman with C & L Electric; JOURNEYMAN ELECTRICIAN, J. Russell Morten, E. Milton Freeman, Albert Dale Nyman, Louis W. Prim, Ray Griffith; APPRENTICE ELECTRICIAN, Marjorie Griffith with Griffith Electric; MASTER PLUMBER, Aulden Kerr with Kerr Plumbing & Heating; JOURNEYMAN PLUMBER, Aulden Kerr; JUNK DEALER, Orville Waddell for McCarty's Inc., Stewart's Wool & Metal by Charles Stewart; BOWLING ALLEY, Katz Nukaya for Skyline Lanes; MOTEL, Mel Hoffman for Ray's Motel; HOTEL, Wanda Wilson for Ross Hotel; COMMERCIAL KENNEL, Dr. W. Benson Allen for Allen's Veterinary Hospital, Harold O. Enebo for Northgate Veterinary Hospital; PHOTOGRAPHY, Rebecca Metcalf for Vegan's Inc., Donald D. Hult for Hult's Studio, Rulon B. Perkins for Perk's Photo Service; BILLIARDS, J.B. Millard for Millard's; BILLIARD PARLOR, Melvin Jaeger for Rainbow Billiard's Hall; SECOND HAND STORE (6 months only), C.A. McGinty for Trading Post; PAWN BROKER, Donald E. Leymaster for Leymaster's; BEER (transfer only) from Melvin Jaeger for 191 Club to Rainbow Billiards Hall and Melvin Jaeger; BEER (Canned, bottled, and draught to be consumed on the premises), Harding Teuscher for 19th Hole Café; BEER (Canned, bottled and draught to be consumed on the premises), Mrs. J.E. Lamb for 191 Club; CAB OPERATORS, Frank Gibbons, Evan J. Tibbott; BARTENDER, Loyd H. Robinson, William Hiatt, Janice Channel, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

From the Purchasing Department this memo was forthcoming:

City of Idaho Falls
February 22, 1972

Sale of One 1037 Seagrave Fire Engine

Honorable Mayor and Councilmembers:

Tabulation of bids for the sale of one 1937 Seagrave Fire Engine is attached.

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Evaluation of bids received show Joe W. Hunter and Wayne Hammond, of Idaho Falls, submitting the highest bid of \$2185.00.

It is the recommendation of the Purchasing Department that the above bid be accepted.

This recommendation subject to your approval.

Very truly yours,
s/ W. J. Skow
Purchasing Department

It was moved by Councilman Karst, seconded by Hovey, that the high bid of Hunter and Hammond be accepted for the fire engine as described. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented an addendum to the Union Pacific Railroad lease agreement L & T #17267. This lease is described as the parking lot and beautification area and incorporates the lands used for those purposes adjacent to the railroad tracks south of the G Street underpass. This addendum would add 2,640 square feet of parking area on railroad right of way east of the tracks just north of Maple Street. It was moved by Councilman Freeman, seconded by Erickson, that this addendum be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Public Works Director was presented:

City of Idaho Falls
February 24, 1972

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WELL NO. 12 – PHASE 1 – DRILLING

On February 22, 1972, we received three bids for the drilling of Well No. 12 as follows:

1.	Andrew Well Drilling	\$39,946.00
2.	Cushman-Denning, Inc.	45,083.10
3.	Cope Drilling & Pump	47,840.60

The Engineer's estimate for this project was \$48,174.00. We are recommending that the Council award this contract to the low bidder, Andrew Well Drilling, in the amount of \$39,946.00 subject to the final approval of HUD.

Respectfully submitted,
s/ Don
Don F. Lloyd

It was moved by Councilman Gesas, seconded by Karst, that the low bid of Andrew Well Drilling be accepted for the project as described, subject to final approval by HUD. Roll call as follows: Ayes, 6; No, none; carried.

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By memo, the Police Chief asked the Council to consider a loading zone at 298 D Street in favor of Studer Volkswagon. Mr. Pollock said he had no objection. It was moved by Councilman Erickson, seconded by Wood that this request be approved. Roll call as follows: Ayes, 6; No, none; carried.

By memo, City Planner Gilchrist drew attention to the fact that the City Council, at an earlier informal meeting, had approved a cooperative agreement for the establishment of the Bonneville Council of Governments. It was noted that said agreement provided, among other things, for a constitution for that organization. It was moved by Councilman Wood, seconded by Gesas, that this action be officially ratified. Roll call as follows: Ayes, 6; No, none; carried.

Also from the City Planner came this memo:

City of Idaho Falls
February 24, 1972

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: REQUEST FOR TEMPORARY SALES OFFICE

Attached is a request for permission to use a mobile home as a temporary sales office for mobile home sales. This office would be located on the Whirlwind Car Wash property on East Elva Street. The applicant proposes to connect the sales office to City sewer and water and is requesting permission to operate out of a mobile home for approximately one year. This Department has no objections, provided the mobile home is located as shown on the attached plot plan and this request is granted on a temporary basis only.

s/ Rod
Rod Gilchrist

Mr. Bill Brockman appeared before the Council to say that he was planning on opening a mobile home sales outlet at 385 East Elva and that the particular mobile home in question would be used only as a sales office to provide a little comfort for customer convenience. He said he would be willing to construct a fire wall if required. It was moved by Councilman Wood, seconded by Karst, that this request be approved for a period of one year with the understanding that it be used for office use only and not for living purposes. Roll call as follows: Ayes, 6; No, none; carried.

Finally, by memo, the City Planner presented an ordinance that would annex a portion of Highway 20 Fairview Interchange approaches, a portion of the adjacent Union Pacific Railroad right-of-way and a small privately owned parcel of property occupied by a petroleum bulk plant. There was a question as to whether or not the privately owned property owner had been advised of this proposed annexation. Fire Chief Corcoran appeared to remind the Council that this bulk plant, operated by American Oil Company, is 700 feet from the nearest fire hydrant and that this could pose a fire protection problem if annexed. In view of these factors, it was moved by Councilman Erickson, seconded by Gesas, that action on this annexation ordinance be tabled and referred to the Public Works Committee and the City Engineer for further review and study. Roll call as follows: Ayes, 6; No, none; carried.

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Presented by the City Clerk was an ordinance, as prepared by the City Attorney, that would establish penalties for failure to report or appear pursuant to instructions upon overtime parking tickets. It was noted that this had not yet been reviewed by the Police Committee. Therefore, it was moved by Councilman Erickson, seconded by Wood, that this be referred to that Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1316

AN ORDINANCE ADOPTING VOLUME I, UNIFORM BUILDING CODE, 1970 EDITION, WITH CERTAIN AMENDMENTS, FOR THE CITY OF IDAHO FALLS, IDAHO; SETTING FORTH SAID AMENDMENTS TO SAID CODE; FIXING BUILDING PERMIT FEES FOR PERMITS ISSUED PURSUANT TO SAID CODE; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Karst, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

ORDINANCE NO. 1317

AN ORDINANCE ADOPTING VOLUME III, UNIFORM BUILDING CODE, HOUSING, 1970 EDITION, FOR THE CITY OF IDAHO FALLS, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Karst, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

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ORDINANCE NO. 1318

AN ORDINANCE ADOPTING VOLUME V, UNIFORM BUILDING CODE, SIGN, 1970 EDITION, FOR THE CITY OF IDAHO FALLS, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Karst, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 6; No, none; carried.

This communication was presented and read aloud by the City Clerk:

Dear Mayor and City Clerk:

SUGGESTION:

Please set up an envelope drop box at the City Hall so we can drop our checks without the .08 postal charge. You would save time, money, and a lot of clutter in the postal service. Lets Get Moving.

s/ Charlie Hill

After some discussion, pro and con, it was moved by Councilman Freeman, seconded by Erickson, that this be referred to the Fiscal Committee for study and consideration. Roll call as follows: Ayes, 5; No, 1; carried. Councilman Gesas voting no.

The Mayor reintroduced the subject of a Local Housing Authority and gave a brief history on the subject as it affected the City Administration. He noted that the City Council was first asked to consider the establishment of such an agency in September, 1970. Considerable study was given the matter. Involved in said study was an Ad Hoc Committee, the Board of Realtors, the League of Women Voters and others. It was in February of 1971 that the Council was advised that an agency of this nature should be county-wide in scope and it was then decided to arrange a joint meeting with the County Commissioners for further study. In December, 1971, in response to a request for an opinion from the County Commissioners as to whether or not a Local Housing Authority should be created, action was taken to advise that governing body that the Mayor and City Council had no objection to the creation of such an agency, providing the County Commissioners felt there was a need. The Mayor concluded his remarks by saying the County Commissioners had very recently decided to take no action in this regard. Therefore, he was taking the liberty of reintroducing the issue to the Council and asked them in their deliberations, to consider the advisability of creating a Local Housing Authority and also, whether or not, in their judgment, a public hearing should be

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held. It was noted that the Baptist Church is considering construction of a rental complex but it was learned from City Planner Gilchrist that the units would be renting from \$80.00 to \$300.00 and would be closer classified as a retirement village than a low cost housing facility. Reverend Jack Viggers appeared before the Council, advocating the creation of a Local Housing Authority. He said the only existing semblance in this area is the 236 program but this is a rent supplement arrangement and only 20% occupancy would be permitted for senior citizens. Therefore, it does not solve the problem. He said the Local Housing Authority, when created, would make application from a variety of programs based upon local need. He said there are now 14 cities within the State that have established such an agency.

Asked for comment, City Attorney Smith said there is an entire Chapter in the Idaho Code concerning the local housing law which was first passed in 1939 with very little change in the interim period. He said there is no question as to its legality. There have been test cases by the Supreme Court and bonds issued by such an agency have been ruled valid. Smith said this would be similar, in some respects, to other types of Federal Housing such as that administered by the Community Redevelopment Commission where Federal Assistance is available through grants but that this is not broad enough to serve the needs of a Local Housing Authority. Councilman Wood observed that the City has had two studies before the question was referred to the County. He said the actual need cannot be established until an authority is created. Councilman Freeman said this type of program is facilitated by the Federal Government and creation of a Local Housing Authority can be justified because this community has not met the challenge at the local level. He said the authority would cater to an element that can't even qualify for low cost housing. Councilman Hovey said he wasn't satisfied that there is a need. He said he knew of no new facts since the question was referred to the County. He questioned the justification for the City to reactivate the issue when the County elected not to pursue it. He said it is not the City's policy, generally, to initiate action of this nature, but rather, to act after it has been determined a need exists. Councilman Gesas registered an opinion to the effect that the City, recognizing that this was, first, a County responsibility, could have taken no other action than to advise the County as they did. Subsequently, continued Gesas, the County failed to prove whether or not there is a need. Councilman Wood concurred. Wood said the City Council did not deem it advisable to influence the County Commissioners in their study. Now, continued Wood, it would appear that if the City does not act, there will be no action. Wood said a study is necessary. Funds are available for said study but an authority must be created before said funds can be made available. Gilchrist reappeared to say the best method of attacking such a study is by house to house canvas. Councilman Erickson said that, in his opinion, private enterprise cannot and will not satisfy the needs of the elderly. In the absence of further comment, it was moved by Councilman Wood, seconded by Gesas, that the City Attorney be directed to draft a resolution that would create a Local Housing Authority after which said resolution would be presented to the City Council for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Erickson relayed a request from Mr. Lowell Bybee for angle parking on the east side of Higbee Avenue north of Elva Street. It was moved by Councilman Erickson, seconded by Wood, that this request be referred to the Traffic Safety Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 8:50 P.M., carried.

ATTEST: s/ Roy C. Barnes
City Clerk

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s/ S. Eddie Pedersen
Mayor